

Amendment and Response

Applicant: David J. Arcaro et al.

Serial No.: 10/616,816

Filed: July 10, 2003

Docket No.: 100111670-1

Title: THERMALLY SELF-REGULATING FUSING SYSTEMREMARKS

The following Remarks are made in response to the Non-Final Office Action mailed June 17, 2004, in which claims 9-18 were allowed, claims 1 and 5 were rejected, and claims 2-4 and 6-8 were objected to. With this amendment, claims 1, 4, 15, and 21 have been amended to clarify Applicant's invention.

Applicant notes that the application as filed contained claims 1-21. The treatment or status of claims 19-21, however, has not been given. Applicant, therefore, respectfully requests that the Examiner consider claims 19-21 and identify the treatment or status of these claims. See MPEP 707.

Claims 1-21, therefore, remain pending in the application and are presented for reconsideration and allowance.

Title

The Examiner has objected to the title of the invention as not being descriptive.

With this Amendment, Applicant has amended to the title to be more descriptive. Applicant, therefore, respectfully requests approval of the amended title.

Claim Rejections under 35 U.S.C. § 102 and 35 U.S.C. § 103

Claim 1 is rejected under 35 U.S.C. 102(e) as being anticipated by Natsuhara et al. U.S. Patent No. 6,671,489. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Natsuhara et al. U.S. Patent No. 5,732,318. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Natsuhara et al. U.S. Patent No. 5,732,318.

With this Amendment, independent claim 1 has been amended to clarify that "the heating assembly further comprises a fixed covering exposed to the nip area," with "the fixed covering being compliant and having a low coefficient of sliding friction."

With respect to the Natsuhara et al. patents, neither of these patents, individually or in combination, teach or suggest a fusing system, as claimed in amended independent claim 1, wherein the heating assembly includes a fixed covering exposed to the nip area.

In view of the above, Applicant submits that independent claim 1 is patentably distinct from the Natsuhara et al. patents and, therefore, is in a condition for allowance. Furthermore, as dependent claims 2-8 further define patentably distinct claim 1, Applicant

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submits that dependent claims 2-8 are also in a condition for allowance. Applicant, therefore, respectfully requests that the rejections of claim 1 under 35 U.S.C. 102(e) and 102(b) and the rejection of claim 5 under 35 U.S.C. 103(a) be reconsidered and withdrawn and that claims 1-8 be allowed.

Allowable Subject Matter

Claims 2-4 and 6-8 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Applicant appreciates the indicated allowability of claims 2-4 and 6-8. As outlined above, Applicant, however, has amended independent claim 1 (from which claims 2-4 and 6-8 depend) to clarify that "the heating assembly further comprises a fixed covering exposed to the nip area," with "the fixed covering being compliant and having a low coefficient of sliding friction." As amended independent claim 1 is now believed to be in allowable form. Applicant respectfully submits that claims 2-4 and 6-8 are allowable in dependent form. Applicant, therefore, respectfully requests that the objection to claims 2-4 and 6-8 be removed and that claims 2-4 and 6-8 be allowed.

Claims 9-18 are allowed. Applicant appreciates the indicated allowance of claims 9-18. Applicant has amended claim 15 to depend from claim 12 so as to establish antecedent basis for the phrase "the covering". Applicant submits that claims 9-18 remain patentably distinct from the art of record.

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CONCLUSION

In view of the above, Applicant respectfully submits that pending claims 1-21 are all in a condition for allowance and requests reconsideration of the application and allowance of all pending claims.

Any inquiry regarding this Amendment and Response should be directed to either Robert D. Wasson at Telephone No. (360) 212-2338, Facsimile No. (360) 212-3060 or Scott A. Lund at Telephone No. (612) 573-2006, Facsimile No. (612) 573-2005. In addition, all correspondence should continue to be directed to the following address:

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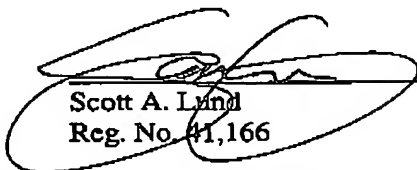
Respectfully submitted,

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CERTIFICATE UNDER 37 C.F.R. 1.8: The undersigned hereby certifies that this paper or papers, as described herein, are being facsimile transmitted to the United States Patent and Trademark Office, Fax No. (703) 872-9306 on this 15th day of September, 2004.

By 
Name: Scott A. Lund